

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUNE G. MAXAM,

Plaintiff,

-v.-

1:06-CV-1012
(GLS)(RFT)

WARREN COUNTY, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

JUNE G. MAXAM
Plaintiff, *pro se*
Box 408
7 Foster Flats Road
Chestertown, NY 12817

RANDOLPH F. TREECE, United States Magistrate Judge

DECISION and ORDER

Plaintiff commenced this action by filing a *pro se* civil rights Complaint on August 22, 2006. Dkt. No. 1, Compl. Plaintiff paid the full filing fee required for this action and Summonses were issued for each named Defendant. Thereafter, Plaintiff filed a Letter-Motion requesting the United States Marshals Service to serve the Defendants. Dkt. No. 3. This Court denied such request and directed the Clerk of the Court to provide Plaintiff with an application to proceed *in forma pauperis*. Dkt. No. 4.

Presently before the Court is Plaintiff's Application to Proceed *in Forma Pauperis*. Dkt. No. 5. Plaintiff has also filed a Letter-Motion reinstating her request to have the Marshal effectuate service on her behalf. Dkt. No. 6. After reviewing the entire file herein, the Court finds that the

Plaintiff may properly proceed with this matter *in forma pauperis*.¹ Since Plaintiff has been granted *in forma pauperis* status, the United States Marshal will be directed to effectuate service of Plaintiff's Complaint upon the Defendants. Accordingly, Plaintiff's Letter-Motion is moot.

WHEREFORE, it is hereby

ORDERED, that Plaintiff's Application to Proceed *in Forma Pauperis* (Dkt. No. 5) is **GRANTED**.² The Clerk shall re-issue Summonses and forward them, along with copies of the Complaint and this Order, to the United States Marshal for service upon the named Defendants; and it is further

ORDERED, that Plaintiff's Letter-Motion requesting the Marshal to effectuate service (Dkt. No. 6) is **denied as moot** in light of the Court's grant of her *in Forma Pauperis* Application.

ORDERED, that a formal response to Plaintiff's Complaint be filed by the Defendants or their counsel as provided for in Rule 12 of the Federal Rules of Civil Procedure subsequent to service of process on the Defendants; and it is further

ORDERED, any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy of same was served upon all opposing parties or their attorneys is to be returned, without processing, by the Clerk, to the party that it. Plaintiff shall also comply with any requests by the

¹ The Court notes that although Plaintiff has paid the full statutory filing fee relating to this action, the Court may still properly rule on her Application to Proceed *in Forma Pauperis* because granting same would permit the United States Marshal to serve process on the Defendants herein.

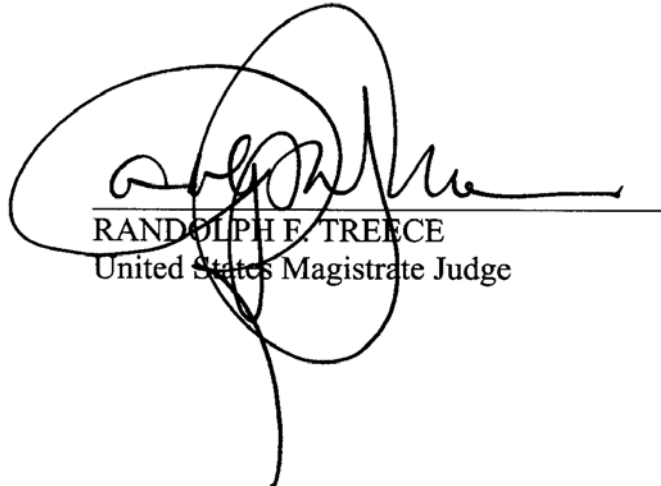
² Even though such request has been granted, Plaintiff is still required to pay fees that she may incur in the future regarding this action, including but not limited to copying and/or witness fees.

Clerk's Office for documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in the filing of motions, which are to be made returnable before the undersigned on any business day with proper allowance for notice as required by the Local Rules. **Plaintiff is also required to promptly notify the Clerk's Office and counsel for the Defendants of any change in her address; her failure to so will result in the dismissal of this action.** All motions will be decided on submitted papers, without oral argument, unless otherwise ordered by this Court; and it is further

ORDERED, that the Clerk serve a copy of this Order on the Plaintiff.

IT IS SO ORDERED.

Date: September 7, 2006
Albany, New York



RANDOLPH F. TREECE
United States Magistrate Judge